1 RYAN W. VOLLANS, WSBA #45302 WILLIAMS KASTNER & GIBBS. PLLC 2 601 Union Street, Suite 4100 Seattle, Washington 98101-2380 3 (206) 233-2873 **Attorneys for Defendants** 4 5 6 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WASHINGTON 7 8 VICTORIA KOMENDA. NO. 2:22-cv-00200-MKD 9 (GRANT COUNTY SUPERIOR Plaintiff, COURT CAUSE NO. 22-2-00563-13) 10 v. NOTICE OF REMOVAL BY 11 **DEFENDANT LIVE NATION** LIVE NATION WORLDWIDE, INC, a WORLDWIDE, INC. AND ISTAR 12 Delaware Corporation doing business in ' BLUES, LLC the State of Washington, and ISTAR 13 BLUES, LLC, a Delaware Limited (CLERK'S ACTION REQUIRED) 14 Liability Company doing business in the) State of Washington, and JOHN DOE 15 DEFENDANTS 1 through 4, 16 Defendant. 17 18 Defendants Live Nation Worldwide, Inc. ("Live Nation") and iStar Blues, 19 LLC ("iStar"), by their counsel, and pursuant to 28 U.S.C. §1441(a), hereby 20 removes this action to the United States District Court for the Eastern District of 21 Washington upon the following grounds: 22 1. This is a civil action between citizens of different States. Plaintiff 23 Victoria Komenda is a resident of the State of Washington [Complaint, ¶1.1, 24 Attachment 1]. Defendant Live Nation Worldwide, Inc. is a corporation formed 25 under the laws of the State of Delaware, with its principal place of business in Williams, Kastner & Gibbs PLLC (CLERK'S ACTION REQUIRED) - 1 601 Union Street, Suite 4100 Seattle, WA 98101-2380 (206) 628-6600

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- Los Angeles County, California. Defendant iStar Blues, LLC is a corporation formed under the laws of the State of Delaware, with its principal place of business in New York. Accordingly, there is complete diversity between Plaintiff and Defendants.
- 2. On or about June 27, 2022, Plaintiff filed her Complaint against Live Nation and iStar Blues in the Superior Court for the State of Washington, Grant County, captioned *Victoria Komenda*, *Plaintiff v. Live Nation Worldwide*, *Inc. a Delaware Corporation doing business in the State of Washington, and Istar Blues, LLC, a Delaware Limited Liability Company doing business in the State of Washington, and John Doe Defendants 1 through 4*, which action is currently venued in that Court as Cause No. 22-2-00563-13.
- 3. Plaintiff served Defendants registered agents with the Summons and Complaint on or about June 29, 2022.
- 4. The Complaint sets forth a cause of action for negligence resulting in personal injury. The cause of action is based on injuries sustained from a post cap that fell from the top of the railing at the Gorge concert venue which is operated by Live Nation and was owned by iStar Blues at the time of the alleged incident.
- 5. Plaintiff, Victoria Komenda, claims continuing disability, pain, medical expenses, and other damages as a result of the injury sustained. Plaintiff's Complaint does not allege the amount of damages being sought, however, on August 16, 2022 counsel for Plaintiff provided Defendants' counsel with a demand letter offering a settlement in the amount of \$150,000.00, which was the first paper provided after suit was filed indicating that the jurisdictional limit was satisfied in this case.

6.	This Court has original jurisdiction based on diversity of citizenship
and amount i	n controversy under 28 U.S.C §1332. This action is removable
under 28 U.S	.C. §1441(a). Venue properly lies in the Eastern District of
Washington 1	under 28 U.S.C. §1391(b)(2).

- 7. Pursuant to 28 U.S.C. §1446(b), this Notice is timely filed with this Court, within thirty (30) days after receipt by Defendants of a copy of the letter indicating that the amount in controversy exceeds \$75,000.00.
- 8. Pursuant to 28 U.S.C. §1446(d), written Notice of Removal is being served on all adverse parties and copy of the Notice will be filed with the Clerk of the Superior Court for the State of Washington, Grant County.
- 9. Pursuant to 28 U.S.C. § 1446(a), attached hereto are true and correct copies of the Complaint and all additional records and proceedings on file in state court in this action, including the following:

ATTACHMENT A: Complaint for Negligence;

ATTACHMENT B: Case Information Coversheet;

ATTACHMENT C: Summons;

ATTACHMENT D: Notice of Appearance of Defendant Live Nation Worldwide, Inc.;

ATTACHMENT E: Notice of Appearance of Defendant Istar Blues, LLC;

WHEREFORE, Defendants Live Nation and iStar Blues, by counsel, respectfully request that the State Court action be removed from the Superior Court for the State of Washington, Grant County, to the United States District Court for the Eastern District of Washington, and proceed as an action properly removed thereto.

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1 I CERTIFY THAT THE FOREGOING IS TRUE AND CORRECT. 2 DATED this 15th day of September 2022. 3 s/Ryan W. Vollans Ryan W. Vollans, WSBA #45302 4 s/Sheryl J. Willert 5 Sheryl J. Willert, WSBA #08617 WILLIAMS, KASTNER & GIBBS PLLC 6 601 Union Street, Suite 4100 7 Seattle, WA 98101-2380 8 Telephone: (206) 628-6600 Fax: (206) 628-6611 9 Email: rvollans@williamskastner.com 10 swillert@williamskastner.com 11 Counsel for Defendants Live Nation Worldwide, Inc. and Istar Blues, LLC 12 13 14 15 16 17 18 19 20 21 22 23 24 25 (CLERK'S ACTION REQUIRED) - 4

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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the date indicated below; I caused service of a true and correct copy of the foregoing document in the manner indicated below to:

⊠US Mail

⊠Email

DATED this 15th day of September 2022.

WILLIAMS KASTNER & GIBBS PLLC

s/Ryan McDade

Ryan McDade, Legal Assistant rmcdade@wkg.com

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